THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 16734 of 2007

07-08-2007

Between:

Vontela Srinivasa Reddy and five others.

Petitioners

And

Government of A.P., rep., by its
Secretary, Energy Department,
Secretariat, Hyderabad and three others.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 16734 of 2007

Oral Order:

Petitioners claim to be owners of lands in Nedunuru village, Thimmapur mandal, Karimnagar district. Each of the petitioner owns distinct extents of lands, is the claim. *Qua* G.O.Rt.No.326 to 333 Energy (Power-IV) Department dated 05-12-2006, the State exercising power and jurisdiction under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') issued draft notifications for acquisition of specified extents of lands including those belonging to the petitioners for the stated public purpose

of establishing a 2100 Mega Watts Gas Based Thermal Power Project, Karimnagar, (for short 'Power Project') invoking urgency under Section 17 (4) of the Act for dispensing with the salutary provision of soliciting objections and considering the same before proceeding towards issuing a draft declaration under Section 6 of the Act, as required under Section 5A of the Act. The petitioners assail the process of acquisition on a plurality of grounds including that the invocation of urgency is irrational.

Heard the learned counsel for the petitioners Sri K. Bala Gopal and the learned Government Pleader for Land Acquisition.

The decision to establish a Power Project could not have been an over night decision; and the learned Government Pleader does not suggest that such a decision for establishing Power Project could have been taken in extreme urgency and without financial, administrative, technical and infrastructural planning including identifying resources for feeding the thermal requirement of the Power Project. If it was not an over night or extremely expeditious decision taken, this Court does not discern any rationality for invoking urgency under Section 17 (4) of the Act for dispensing with the salutary provisions of enquiry under Section 5A of the Act. The ritualistic invocation of urgency is arbitrary and is so declared. It is not stated at the bar nor it is pleaded that

a draft declaration under Section 6 of the Act has been issued pursuant to the notification under Section 4 (1) of the Act.

In the circumstances, declaring the invocation of urgency as arbitrary, the respondents are directed to issue notices to each of the petitioners and the others affected by the process of acquisition, soliciting objections under Section 5A of the Act. On receipt of objections submitted within the time stipulated in the notice inviting objections, the same shall be considered by the appropriate authority and a reasoned decision shall be recorded which shall be furnished/communicated to each of the objectors and only thereafter shall further proceedings be initiated in accordance with such decision and in accordance with law.

The writ petition is disposed of as above at the stage of admission. There shall however be no order as to costs.

_____

GODA RAGHURAM, J

Dated: 07-08-2007
pvks

Nb:- Furnish c.c. in two days.
B/o pvks/*